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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jonathan M Arther,

10 Plaintiff,

11 v.

12 Corizon Health Incorporated, et al.,

13 Defendants.
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No. CV-20-00189-PHX-JAT (JFM)

ORDER

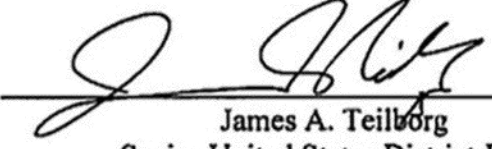
15 In the Scheduling Order filed April 19, 2021, Plaintiff was given through May 17,
16 2021 to either dismiss, serve, or show cause why Defendants Ryan, Heller and Eye
17 Doctors should not be dismissed for failure to timely serve. Plaintiff then completed
18 service on Heller and Eye Doctors. Plaintiff neither dismissed, served, nor shown cause
19 why Ryan should not be dismissed. Plaintiff had in the interim filed his Fourth Amended
20 Complaint (Doc. 66). However, the filing of an amended complaint does not reset the
21 time for service, except as to newly added defendants. *See Wright & Miller, Time Limit*
22 *for Service*, 4B Fed. Prac. & Proc. Civ. § 1137, at text surrounding nn. 38 & 39 (4th ed.).

23 Accordingly, in its Order filed June 23, 2021 (Doc. 67), the Court ordered Plaintiff
24 to file a memorandum showing cause why Defendant Ryan should not be dismissed
25 without prejudice for failure to effect timely service. Plaintiff has not responded.
26 Dismissal of a party is appropriate where a plaintiff fails to show good cause for delays in
27 service. *See Walker v. Sumner*, 14 F.3d 1415 (9th Cir. 1994) (upholding dismissal where
28 no showing of good cause for delay in service).

1 **IT IS THEREFORE ORDERED**, pursuant to Rule 4(m), Defendant Ryan is
2 DISMISSED WITHOUT PREJUDICE.

3 Dated this 15th day of July, 2021.

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James A. Teilborg
Senior United States District Judge